



**Report to the Legislature**

**Services to Persons with  
Disabilities who are Discharged or Diverted  
from State Hospitals or Individuals with  
Community Protection Issues**

Chapter 25, Laws of 2003, Section 205(1)(d) Uncodified

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Department of Social & Health Services  
Aging and Disability Services Administration  
Division of Developmental Disabilities  
PO Box 45310  
Olympia, WA 98504-5310  
(360) 725-3452  
Fax: (360) 407-0955

Chapter 25, Laws of 2003, Section 205(1) (d) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. This proviso is intended to provide community residential supports, therapies and employment/day services to individuals who are discharged or diverted from state psychiatric hospitals and for individuals that qualify for the Community Protection Program.

## **BACKGROUND**

### **Hospital Discharge**

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 Legislative Session included \$6,673,000 to fund Phases 1 and 2 of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The Legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The Legislature authorized funds to the Mental Health Division to support Phase 3 at the state psychiatric hospitals during the 2001-2003 biennium.

In this current proviso, the Legislature appropriated funds to DDD to provide community supports for eleven (11) individuals with developmental disabilities upon their release from state psychiatric hospitals or for individuals who are being diverted from state hospitals during the 03-05 biennium. In addition, the legislature appropriated funds in the Supplemental 04 budget to place an additional 20 clients who were being either discharged or diverted from the state hospital, or who were being released from the Department of Corrections. These funds provided an average daily rate of \$300.00 per client/per day.

### **Prison Discharge Clients**

As part of the Public Safety Proviso, the legislature appropriated funds to the Division of Developmental Disabilities (DDD) in the Supplemental 04-05 budget to provide community supports for 8 developmentally disabled individuals upon their release from the Department of Corrections (DOC). These funds were provided at an average daily rate of \$300.00 per client/per day.

## **STATUS**

DDD has prioritized the use of these proviso funds to serve individuals who have been released from the Department of Corrections or who have been determined ready for discharge from state psychiatric hospitals in an effort to comply with the *Allen v. WSH*, et al, and the *Smith v DSHS*, et al federal court Settlement Orders.

To date, thirty-one (31)) individuals have been placed into the community since July 2003 at an average daily rate of \$315.23

### **Hospital Discharge/Diversion**

#### ***Outplacements***

The Division of Developmental Disabilities has placed twenty (20) clients from the state psychiatric hospitals and two (2) individuals from the crisis mental health diversion bed since July 1, 2003.

For the quarter April through June 2005, two (2) clients have been placed into Supported Living Services (SL/S) from state psychiatric hospitals. Prior to community placement from the state hospital, individuals receive habilitative mental health services at Western State Hospital (WSH) or Eastern State Hospital (ESH) as part of the DDD Habilitative Mental Health Unit. These inpatient services included skills building, group and individual counseling services, vocational services, coaching, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support planning. Services at both state hospitals

comply with requirements set forth in the Civil Rights of Institutionalized Persons Act, 42 USC 1997.

Client # 29 is a 32 year old man with a diagnosis of Moderate MR, Impulse Control Disorder NOS, Mood Disorder NOS, and Usher's Syndrome with severe compromise of auditory and visual acuity. Client # 29 was admitted to WSH in July 2002 on charges of indecent liberties with forcible compulsion after having attacked his female provider. He was then found incompetent to stand trial and ordered to WSH for competency restoration. He was later civilly committed to WSH due to being found a danger to others. Client # 29 was discharged recently to a DDD Certified Community Protection Program where he receives specialized supports and therapy for his aggression. He is working with a vocational provider for job development and receives his mental health services from the local community mental health center.

Client # 30 is a 23 year old female with a diagnosis of Mild MR, Schizophrenia and Diabetes who had been admitted to WSH after having significantly assaulted her pregnant sister with whom she lived. Client # 30 had been admitted to the DDD funded crisis diversion bed prior to admission to WSH and attempted to run into traffic in an attempt to commit suicide. Due to the client's diabetes and her sensitivity to antipsychotic medications, it was difficult to stabilize her. After having obtained stability, the client was discharged with proviso funds to a supported living program. The client has also been referred to an employment program, and will receive her mental health services from the local community mental health agency.

It is noted here that that there have been three (3) admissions to WSH in the April – June 2005 reporting period. All three were for court-ordered competency restoration under RCW 10.77 after being found not competent to stand trial. No clients were admitted for psychiatric treatment after being determined to be a danger to self and/or others as a result of a mental disorder under RCW 71.05.

At ESH, for the same reporting period, there were three (3) admissions. Two (2) of these admissions were for acute psychiatric treatment of individuals who were found to be a danger to self and others as a result of a mental disorder under RCW 71.05, and one (1) admission was for court-ordered competency restoration under RCW 10.77. Phase 2 services, as designed, are working well to divert civilly committed individuals from the state hospital. The division will continue to monitor this data and watch for trends in this area.

### **Prison Discharge**

To date, eight (8) individuals have been placed into the Division's Community Protection Program since July 1, 2004. Seven (7) of those individuals were placed from the Department of Corrections while one (1) individual was released from the Juvenile Rehabilitation Administration (JRA).

For the quarter April through June 2005, one (1) individual was placed into Supported Living Services from the Department of Corrections.

Client # 31 is a 25 year old man with a diagnosis of Mild MR, Depressive Disorder and Adjustment Disorder with Mixed Anxiety and Depressed Mood. He currently takes an antidepressant medication. An assessment completed on 11/04 states that he has antisocial personality characteristics. He was incarcerated for 2<sup>nd</sup> Degree Assault and has numerous other arrests and convictions. Many of his crimes were committed when he was under the influence of drugs or alcohol. Client #31 was living on the streets and in shelters prior to being incarcerated at the Special Offender Unit in Monroe. He is living with two other DDD clients. He has been referred to an employment program and is receiving mental health services.

**2003-2005**  
**Proviso Tracking OUTPLACEMENT TOTALS**  
**8th Quarter Totals**

					Type of Services				Expenditures	
Hospital & CPP Outpla		Previous	Residential	Number of	Residential	Day Services	Other	Therapies	Total	Total Expend.
Region	Number	Residence	Start Date	Days in Service	Daily Rate	Daily Rate	Daily Rate	Daily Rate	Daily Rate	To Date
4	1	WSH/homeless	07/31/03	701	\$ 263.15	\$ 24.00	\$ -	\$ 11.83	\$ 298.98	\$ 209,584.98
4	2	WSH	08/21/03	680	\$ 241.50	\$ 25.00	\$ 9.86	\$ 14.79	\$ 291.15	\$ 197,982.00
5	3	WSH	08/31/03	670	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 187,519.60
5	4	WSH	09/30/03	640	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 179,123.20
5	5	WSH	09/30/03	640	\$ 266.09	\$ 20.00	\$ -	\$ -	\$ 286.09	\$ 183,097.60
1	6	ESH	10/15/03	625	\$ 250.00	\$ 16.50	\$ -	\$ 7.88	\$ 274.38	\$ 171,487.50
1	7	ESH	10/16/03	624	\$ 250.00	\$ 16.50	\$ -	\$ 7.88	\$ 274.38	\$ 171,213.12
6	8	WSH	01/29/04	519	\$ 270.00	\$ 20.00	\$ 10.00	\$ -	\$ 300.00	\$ 155,700.00
2	9	WSH	03/08/04	480	\$ 280.00	\$ 20.00	\$ -	\$ -	\$ 300.00	\$ 144,000.00
4	10	WSH	03/19/04	472	\$ 268.46	\$ 23.89	\$ -	\$ 7.63	\$ 299.98	\$ 141,590.56
1	11	Diversion Bed	05/24/04	402	\$ 283.50	\$ 16.50	\$ -	\$ -	\$ 300.00	\$ 120,600.00
4	12	DOC	06/30/04	366	\$ 245.93	\$ 23.87	\$ 6.57	\$ 11.83	\$ 288.20	\$ 105,481.20
4	13	DOC	06/15/04	381	\$ 245.93	\$ 23.87	\$ 6.57	\$ 11.83	\$ 288.20	\$ 109,804.20
1	14	ESH	06/17/04	379	\$ 268.17	\$ 16.50	\$ -	\$ 7.88	\$ 292.55	\$ 110,876.45
4	15	AFH/diversion bed	07/08/04	358	\$ 240.76	\$ 25.00	\$ 12.24	\$ 18.00	\$ 296.00	\$ 105,968.00
5	16	WSH	08/03/04	332	\$ 265.00	\$ 20.00	\$ -	\$ 15.00	\$ 300.00	\$ 99,600.00
5	17	WSH	08/06/04	329	\$ 265.00	\$ 20.00	\$ -	\$ 15.00	\$ 300.00	\$ 98,700.00
3	18	DOC	09/21/04	295	\$ 270.28	\$ 23.87	\$ -	\$ 11.83	\$ 305.98	\$ 90,264.10
1	19	ESH	10/21/04	253	\$ 317.46	\$ -	\$ -	\$ 10.00	\$ 327.46	\$ 82,847.38
1	20	ESH	10/29/04	245	\$ 226.24	\$ 16.50	\$ -	\$ 10.00	\$ 252.74	\$ 61,921.30
1	21	DOC	11/02/04	241	\$ 293.95	\$ 23.87	\$ -	\$ 11.83	\$ 329.65	\$ 79,445.65
5	22	WSH	11/04/05	242	\$ 267.22	\$ 20.00	\$ -	\$ 10.00	\$ 297.22	\$ 71,927.24
4	23	DOC	11/19/04	224	\$ 244.07	\$ 23.87	\$ -	\$ 5.92	\$ 273.86	\$ 61,344.64
6	24	WSH	12/13/04	200	\$ 261.30	\$ 25.00	\$ 10.00	\$ 10.00	\$ 306.30	\$ 61,260.00
5	25	WSH	12/21/04	192	\$ 242.60	\$ 20.00	\$ 10.00	\$ 15.00	\$ 287.60	\$ 55,219.20
4	26	WSH	02/28/05	123	\$ 246.08	\$ 25.00	\$ -	\$ 11.84	\$ 282.92	\$ 34,799.16
3	27	DOC	02/01/05	151	\$ 301.33	\$ -	\$ -	\$ -	\$ 301.33	\$ 45,500.83
6	28	JRA	03/27/05	96	\$ 747.16	\$ -	\$ 30.00	\$ -	\$ 777.16	\$ 74,607.36
5	29	WSH	06/01/05	30	\$ 415.64	\$ 20.00	\$ 15.00	\$ 20.00	\$ 470.64	\$ 14,119.20
6	30	WSH	6/2/2005	29	\$ 300.00	\$ -	\$ -	\$ -	\$ 300.00	\$ 8,700.00
4	31	DOC	5/31/2005	31	\$ 267.80	\$ 24.00	\$ 17.75	0	\$ 309.55	\$ 9596.05
Average for Outplacements									\$ 315.23	\$ 3,243,880.52